

REMARKS

Claims 1 and 3-50 are pending in this application. By this Amendment, claims 1, 9, 29, 32, 43 and 46-50 are amended. Support for amended claims 1, 9, 29, 32 and 43 can be found, for example, at paragraphs [091] and [097] of the originally filed specification. No new matter is added.

I. Allowable Subject Matter

The Office Action, on page 11, indicates that claims 46-50 recite allowable subject matter. Specifically, these claims are indicated as allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicant appreciates this indication of allowability and amends claims 46-50 to be in independent form to include all of the features of the base claim and an intervening claim.

II. Claim Rejections Under 35 U.S.C. §103**A. Smith in view of Qian in further view of Krusin**

Claims 1 and 3-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al. (U.S. Patent No. 6,253,210, hereinafter "Smith") in view of Qian et al. (U.S. Patent No. 6,697,506, hereinafter "Qian") in further view of Gutkiewicz-Krusin et al. (U.S. Patent No. 6,208,749, hereinafter "Krusin"). Applicant respectfully traverses the rejection.

As amended, claims 1, 9, 29, 32 and 43 delete the feature "or the skin" and include the feature, "the video sequence comprising images expressing at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite as said characteristic, and being obtained by filming of the skin of a person whose state is deemed to correspond to that of the at least one image."

Consequently, claim 1 now includes the features of "aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite." The Office Action acknowledges that neither Smith nor Qian, alone or in combination, disclose examining the skin. However,

the Office Action asserts that Krusin discloses locating hair and other skin blotches and it would have been obvious to combine with Smith and Qian a skin blotch examining means as taught by Krusin. Applicant respectfully disagrees.

Krusin discloses acquiring skin lesion images and does not discuss evaluating "at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite." See Krusin at, col. 1, lines 20-30. Rather, Krusin merely mentions wrinkles as a factor such as blotches or hairs whose presence might upset the detection of a lesion in the images.

Moreover, Krusin discloses removing hairs from the image via a segmentation step that enables one to discriminate between a lesion and normal skin. See Krusin at col. 12, lines 58-61 and col. 14, lines 49-50. Thus, Krusin does not disclose, teach or suggest a video sequence comprising images expressing at least one of "at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite." Thus, Krusin does not cure the deficiency of Smith and Qian.

As neither Smith, Qian, nor Krusin, alone or in combination, teach each and every feature of claim 1, claim 1 would not have been rendered obvious by Smith, Qian and Krusin. Claims 3-8 variously depend from claim 1 and, thus, also would not have been rendered obvious by Smith, Qian and Krusin. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Smith in view of Qian in view of Krusin and in further view of Kenet

Claims 9-15, 17-44 and 45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Qian in further view of Krusin as applied to claim 1 and in further view of Kenet et al. (U.S. Patent No. 5,016,173, hereinafter "Kenet"). Applicant respectfully traverses the rejection.

As amended, claims 1, 9, 29, 32 and 43 include the feature, "the video sequence comprising images expressing at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite as said characteristic, and being obtained by filming of the skin of a person whose state is deemed to correspond to that of the at least one image."

The Office Action asserts that the rejection of claim 1 discloses all of the aspects of claim 9 except claim 1 does not explicitly disclose using a camera to acquire an image. The Office Action asserts that Kenet discloses using a camera to capture an image and that it would have been obvious at the time the invention was made to one of ordinary skill in the art to include in Smith and Qian a camera to acquire images as taught by Kenet.

As discussed in detail above, neither Smith, Qian, nor Krusin, alone or in combination, disclose an "Image acquisition apparatus, comprising: at least one camera enabling an image to be acquired...and...at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite...and being obtained by filming of the skin of a person whose state is deemed to correspond to that of the at least one image."

Although the Office Action asserts that Kenet discloses using a camera to capture an image, Kenet does not cure the deficiencies of Smith, Qian and Krusin, because Kenet does not disclose the feature, "the video sequence comprising images expressing at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite as said characteristic, and being obtained by filming of the skin of a person whose state is deemed to correspond to that of the at least one image."

With respect to claim 45, claim 45 includes the features, "- a processor arranged to: - display on the screen at least one image acquired by the camera in association with at least one image of an atlas including images that express different grades of a characteristic of body typology, - enable a person to select said at least one image of the atlas, - enable at least

one video sequence associated with the selected image to be displayed on the screen, said sequence comprising images expressing said characteristic."

Smith teaches playing a movie showing video images of the putamen by pushing a "play movie" button. See Smith at col. 9, lines 51-53. Smith does not disclose, teach or suggest selecting an image of an atlas and enabling at least one video sequence associated with the selected image to be displayed but discloses selecting a button of a screen and enabling at least one video sequence associated with the selected button to be displayed.

Qian does not disclose a video sequence and, thus, cannot remedy the deficiency of Smith.

Neither Krusin nor Kenet teach the features, "enable a person to select said at least one image of the atlas...[and] enable at least one video sequence associated with the selected image to be displayed on the screen, said sequence comprising images expressing said characteristic."

As neither Smith, Qian, Krusin nor Kenet, alone or in combination, teach each and every feature of the claimed invention, claims 1, 9, 29, 32, 43 and 45 would not have been rendered obvious by Smith, Qian, Krusin and Kenet. Claims 10-15 and 17-44 variously depend from claims 1, 9, 29, 32 and 43 and, thus, also would not have been rendered obvious by Smith, Qian, Krusin and Kenet. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Smith in view of Qian in view of Krusin in further view of Chin

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Qian in further view of Krusin as applied to claim 15 and in further view of Chin et al. (U.S. Patent No. 4,998,972, hereinafter "Chin"). Applicant respectfully traverses the rejection.

As amended, claim 9 includes the feature, "the video sequence comprising images expressing at least one of the degree of aging of the skin, tissue slackening, wrinkles, sagging, skin firmness and cellulite as said characteristic, and being obtained by filming of the skin of a person whose state is deemed to correspond to that of the at least one image." As discussed in detail above, neither Smith, Qian, nor Krusin, alone or in combination, disclose such a feature. Chin does not remedy this deficiency.

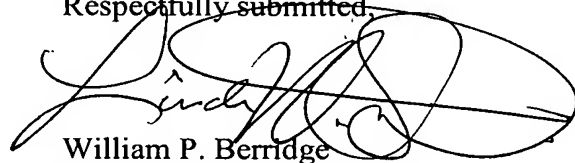
As Smith, Qian, Krusin nor Chin, alone or in combination, teach each and every feature of claim 9, claim 9 would not have been rendered obvious in view of Smith, Qian, Krusin and Chin. Claim 16 depends from claim 9 and, thus, also would not have been rendered obvious in view of Smith, Qian, Krusin and Chin. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Andrew B. Freistein
Registration No. 52,917

Linda M. Sattiel
Registration No. 51,122

WPB:ABF/hms

Date: November 9, 2007

Attachments:

Amendment Transmittal
Request for Continued Examination

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--